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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,095	11/30/2001	Darryl Lee Presley	50277-1961	4337

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SAN JOSE, CA 95110-1089

EXAMINER

VU, THONG H

ART UNIT PAPER NUMBER

2142

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/998,095

Applicant(s)

PRESLEY, DARRYL LEE

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,7-11,14-37 and 39-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-11,14-37,39-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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Claims 1-5,7-11,14-37, and 39-49 are pending.

1. Claims 6,12-13,38 are canceled.
2. The Advisory Action issued on 11/28/2005 has been vacated. This Non-Final Office Action is response to the Remark After-Final filed 11/10/2005.

***Claim Objections***

3. Claim 49 is objected to because of the following informalities: It was unclear that claim 49 is independent or dependent claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5,7-11,14-37,39-49 are rejected under 35 U.S.C. 103 as being unpatentable over Balsamo et al [2002/0099806 A1] in view of Bullard et al [Bullard 6,405,251 B1].

4. As per claim 1, Balsamo discloses A system for actively managing configurable components [Balsamo, configurable chains of processing nodes, abstract], comprising:  
a plurality of components, each component storing a configuration comprising a set of configuration parameters [Balsamo, each row of configuration file have attribute identities sourcefieldID, 0088];

a repository (i.e.: database) that stores information about a configuration policy [Balsamo, database with configuration and rules, 0080-0081];

a server configured to register each of the dynamic probing operations to identify configuration changes made to the configuration of each of the plurality of components [Balsamo, Fig1, server 12] and determine whether the configuration changes conform to the configuration policy [Balsamo, the rules file defines a mapping, 0066].

However Balsamo does not explicitly detail

“validate identified configuration change against the configuration policy”.

In the same endeavor, Bullard discloses a quality of service process can validate performance of service level agreements [Bullard, col 31 lines 32-44]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the validate identified configuration change against the configuration policy as taught by Bullard in order to determine whether the configuration changes conform to the configuration policy. Doing so would provide the network administrator managing the network in secure and dynamic process.

5. As per claim 2, Balsamo-Bullard disclose the configuration policy defines for each confirmation parameter of the configuration of each of the plurality of components a value range for which the configuration parameter will be successfully validated by the server [Balsamo, IP range, 0089; the rules file defines a mapping, 0066].

6. As per claim 3, Balsamo-Bullard disclose responding to an identified confirmation change by performing at least one of:

changing a value of at least one configuration parameter to a default or previously validated value [Bullard, configuration updates, col 23 lines 1-20];

auditing configuration parameters of the confirmation of at least one of the plurality of components [Balsamo, add, remove, 0066];

generating an alert regarding the confirmation parameters of the confirmation of at least one of the plurality of components [Balsamo, notify, 0057; alarm, 0076];

acquiescing to the identified configuration change [Balsamo, delivery to subsequent nodes, abstract].

7. As per claim 4, Balsamo-Bullard disclose logging data that identifies an identified configuration change made to the configuration of the particular component to a log file [Balsamo, each row of configuration file have attribute identities sourcefieldID, 0088].

8. As per claim 5, Balsamo-Bullard disclose performing an impact analysis on the identified configuration changes against the plurality of components [Balsamo, each row of configuration file have attribute identities sourcefieldID, 0088].

9. As per claim 39, Balsamo-Bullard disclose the information indicates a relationship dependency between a first configuration parameter in the configuration of

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a first component and a second configuration parameter in the configuration of a different component [Balsamo, mapping file, 0059].

10. As per claim 40, Balsamo-Bullard disclose the server validates the configuration, for the first component based upon the relationship dependency between the first configuration parameter and the second configuration parameter [Bullard, col 31 lines 32-44].

11. As per claim 41, Balsamo-Bullard disclose the information includes at least one document type definition defining a mapping between the configuration of at least two of the plurality of individual components [Balsamo, the rules file defines a mapping, 0066].

12. As per claim 47, Balsamo-Bullard disclose the relationship dependency comprises one of one-way, two-way, cyclic, one-to-many, many-to-one, and many-to-many as a design choice.

13. Claims 7-11,42-46 and 48 contain the similar limitations set forth in claims 1-5,39-41 and 47. Thus, claims 7-11,42-46 and 48 are rejected for the same rationale set forth in claims 1-5,39-41 and 47.

14. As per claim 14, Balsamo-Bullard disclose A system, comprising:

a plurality of components wherein each component of the plurality of components comprises a client module for accessing configuration parameters of a configuration of the component [Balsamo, database with configuration and rules, 0080-0081];

a management server which maintains a repository for storing information about a configuration policy [Balsamo, Fig1, server 12]; a management console capable of accessing the repository wherein the management console comprises:

at least one service interface for retrieving the configuration of a particular component of the plurality of components by communicating with the client module associated with the particular component [Bullard, filtering, 0037];

a parser for extracting configuration parameters from each retrieved [Bullard, filtering, 0037];

a validator for validating each extracted configuration parameter against the configuration policy [Bullard, col 31 lines 32-44].

15. As per claim 15 Balsamo-Bullard disclose at least one adapter for accessing component-specific configuration parameters of the configuration of at least one of the plurality of components [Balsamo, each row of configuration file have attribute identities sourcefieldID, 0088].

16. As per claim 16, Balsamo-Bullard disclose at least one component-specific adapter for dynamically probing the plurality of components [Balsamo, flow probe, 0033].

17. As per claim 17, Balsamo-Bullard disclose a component parameter relationship dependency tree formed from the extracted configuration parameters [Bullard, filtering, 0037]; and an impact analyzer for analyzing the effect of making a configuration change to the configuration of a particular component of the plurality of components by traversing the component parameter relationship dependency tree [Bullard, analysis, col 10 lines 43-53].

18. As per claim 18, Balsamo-Bullard disclose a change manager for effecting a change to a configuration parameter [Balsamo, Node Manager, 0054].

19. As per claim 20, Balsamo-Bullard disclose the configuration policy is expressed in a set of global (i.e.: internet) parameter definitions and document type definitions [Balsamo, the rules file defines a mapping, 0066].

20. As per claim 21 Balsamo-Bullard disclose validation services, wherein the validation services perform at least one of: managing the configuration parameters of the configuration of the plurality of components ; advising an administrator about the configuration parameters of the confirmation of the plurality of components ; alerting an administrator about the configuration parameters of the confirmation of the plurality of components ; and acquiescing to the modification of the configuration parameters of the confirmation of the plurality of components [see rejection claim 3].



21. As per claim 22, Balsamo-Bullard disclose a browsing service providing a user interface management console [Balsamo, Node Manager, 0054].

22. As per claim 23, Balsamo-Bullard disclose a management configuration module for registering new components [Balsamo, registry, 0054,0059].

23. As per claim 25, Balsamo-Bullard disclose at least one of the plurality of components corresponds to at least one of a Web server, an Internet application server and a database server [Bullard, Fig 1].

24. Claims 26-37 contain the similar limitations set forth in claims 14-25. Thus, claims 26-37 are rejected for the same rationale set forth in claims 14-25.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5,7-11,14-37,39-49 are rejected under 35 U.S.C. 103 as being unpatentable over Balsamo et al [2002/0099806 A1] in view of Bullard et al [Bullard 6,405,251 B1] and further in view of Stolorz et al [Stolorz 2003/0065762 A1].

25. As per claim 19, Balsamo-Bullard disclose the extracted configuration parameters [Bullard, filtering, 0037]. However Balsamo-Bullard does not explicitly detail a set of one or more XML documents comprising the extracted configuration parameters.

In the same endeavor, Stolorz discloses a policy database and monitoring mechanism [Stolorz 0083] with dynamic probe [Stolorz 0098] using XML [Stolorz 0129]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the XML document with the extracted configuration parameters as taught by Stolorz into the Balsamo-Bullard's apparatus in order to utilize the dynamic probe. Doing so would provide a means to distribute network traffic according to a configurable set of rules [Stolorz, 0008]

26. As per claim 24 Balsamo-Bullard-Stolorz disclose a management configuration module capable of receiving XML documents which describe the configuration parameters of the configuration of a particular component, when the configuration of the particular component is changed [Stolorz, XML, 0129].

27. As per claim 49, Balsamo-Bullard disclose A computer-readable storage medium holding code which, when executed, performs the method according to any one of claims 7, 8, 9, 10, 11, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 46, and 48 [see rejection above].


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Thong Vu*  
*Primary Examiner*  
*Art Unit 2142*

A handwritten signature in black ink, appearing to read 'Thong Vu', with a long horizontal stroke extending to the right.